



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Division of Health Care Finance and Policy*

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NOTICE OF PUBLIC HEARING

Pursuant to the provisions of M.G.L. c. 118G and in accordance with M.G.L. c. 30A, as amended, a public hearing will be held on Friday, November 16, 2012 at 10:00 a.m. at the Division of Health Care Finance and Policy, Two Boylston Street, 5th floor, Boston, MA relative to the adoption of amendments to:

114.3 CMR 45.00: TEMPORARY NURSING SERVICES

The proposed amendments establish the maximum prices that temporary nursing agencies may charge to health care facilities effective December 1, 2012. Pursuant to M.G.L. c. 118G, § 7, there are three components to the maximum prices: wages and benefits, administrative expenses, and a profit factor. The regulation establishes maximum prices for services that vary by region, by health care provider (nursing facilities and hospitals) by service type (RNs, LPNs, and CNAs), and by shift (weekday shifts 1, 2 and 3 and weekend shifts 1, 2, and 3. To develop the rates, the Division completed a review of the most recent cost data for 2010 provided by nursing facilities and hospitals for the wage component, and cost data provided by temporary nursing agencies for the administrative component. The Division is not proposing to change the administrative component percentage of 35.43% or the profit factor of 5.31%.

The Division is proposing these amendments to comply with the requirement that the maximum rates be established annually. The Division estimates that the change in rates will result in an increase of approximately 6.75% (\$3.5 million) in aggregate provider expenditures for temporary nursing services. Hospital spending is estimated to increase by 8.98% (\$3.07 million) and nursing facility spending is estimated to increase by 2.43% (\$0.43 million). There is no fiscal impact to the Commonwealth or to municipalities. The amendments do not impose new costs on small businesses; the impact on small business providers will vary based on the volume and mix of services provided.

Individuals that notify the Division of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers may notify the Division of their intention to testify at the hearing by registering online at www.mass.gov/dhcfp/regulations. Individuals may also submit written testimony by emailing HCF-Regulations@state.ma.us. Please submit electronic testimony as an attached Word document or as text within the body of the email with the name of the regulation in the subject line. All submissions must include the sender's full name and address. Individuals who are unable to submit testimony by email should mail written testimony to the Division of Health Care Finance and Policy, Two Boylston Street, Boston, MA 02116-4704. Written testimony must be submitted by 5:00 P.M. on Monday, November 26, 2012. Copies of the regulation are available for inspection and/or purchase at the Division of Health Care Finance and Policy or viewed at the Division's website at www.mass.gov/dhcfp/regulations.